

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

UNITED STATES OF AMERICA)	
)	Case No. 1:17-cr-07
v.)	
)	Judge Mattice/Steger
DAMIEN GADDIS)	

ORDER

Magistrate Judge Christopher H. Steger filed a report and recommendation [Doc. 17] recommending that the Court: (1) grant Defendant's motion to withdraw his not guilty plea as to count one of the two count Indictment; (2) accept Defendant's guilty plea as to count one of the two count Indictment; (3) adjudicate the Defendant guilty of conspiracy to distribute and possess with intent to distribute five hundred grams or more of a mixture and substance containing methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A) and 846; (4) defer a decision on whether to accept the plea agreement until sentencing; and (5) order that Defendant remain in custody until sentencing in this matter. Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with Magistrate Judge Steger's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation [Doc. 17] pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

1. Defendant's motion to withdraw his not guilty plea as to count one of the two count Indictment is **GRANTED**;
2. Defendant's plea of guilty to count one of the two count Indictment is **ACCEPTED**;

3. Defendant is hereby **ADJUDGED** guilty of conspiracy to distribute and possess with intent to distribute five hundred grams or more of a mixture and substance containing methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A) and 846;
4. A decision on whether to accept the plea agreement is **DEFERRED** until sentencing; and
5. Defendant **SHALL REMAIN** in custody until sentencing in this matter which is scheduled to take place on September 18, 2017 at 9:00 a.m. before the undersigned.

SO ORDERED this 28th day of June, 2017.

/s/ Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE